

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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AUG 11 2016

SC Court of Appeals

Appeal from York County  
Roger L. Couch, Circuit Court Judge  
Appellate Case No. 2015-000611

THE STATE,

RESPONDENT,

v.

ORLANDO COLEMAN,

APPELLANT

RETURN TO MOTION TO STRIKE

Appellant, Orlando Coleman, through his undersigned counsel, would respectfully show unto the Court as follows:

1. Appellant received a copy of Respondent's Motion to Strike via U.S. mail on or about August 3, 2016. Upon review of the Respondent's motion and the Trial Transcript for the underlying case, Appellant noted that the incident report, as cited to in the Appellant's Initial Brief and Designation of Matter, had not been filed with the York County Clerk of Court as it originally had been believed to have been.<sup>1</sup>

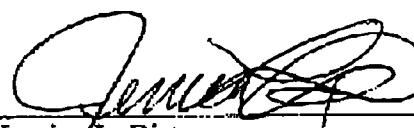
<sup>1</sup> When the discovery file was received by Appellant's counsel, the documents were double-sided with the arrest warrant on the front of the page and the incident on the back of the page, leading to the mistaken belief that both documents were filed under the same file stamp as appearing on the Arrest Warrant. Pursuant to Respondent's Motion footnote 2, Respondents have no objection to the arrest warrant being presented to this Court as it was filed with the York County Clerk of Court and available for consideration by the trial court.

2. Counsel for Appellant conferred with Counsel for Respondent and confirmed that the only two references referred to in Respondent's Motion are on pages 14 (fn. 4) and 15 (fn. 5) of Appellant's Initial Brief. These two references will be stricken from the Final Brief of Appellant.

3. Therefore, Appellant consents to the Respondent's request to strike any reference made to the incident report in Appellants Final Brief as well as refrain from including those documents in Appellant's Record on Appeal.

**WHEREFORE**, the undersigned counsel would respectfully enter Appellant's consent to Respondent's motion as stated above.

Respectfully submitted,



Jessica L. Birt  
Robert Dudek  
Appellate Defender

August 11, 2016

CC: Benjamin J Aplin, Esquire  
Mark R. Farthing, Esquire

# Dixon Law Firm

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**To: Clerk of Court**

**From: Jessica L. Birt**

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**Fax: 803-734-1839**

**Pages: 3**

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**Re: Return to Motion**

**Date: August 11, 2016**

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Please see the attached Return to Respondent's Motion to Strike in the following matter:

State v. Coleman (2015-000611)

An original signature will follow by mail.

105 Wappoo Creek Drive, Suite 3-B, Charleston, SC 29412